

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GREGORY T. HARVEY,

Plaintiff,

-v-

VWR EDUCATION, LLC,

Defendant.

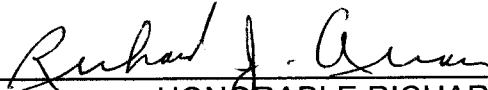
DECISION AND ORDER
10-CV-6670CJS

By Order dated December 12, 2010 (Docket # 3), plaintiff was granted permission to proceed *in forma pauperis* and the U. S. Marshal was directed to serve the complaint on the defendant. The U.S. Marshal has advised the Court that the summons was mailed to the defendant on December 21, 2010. No return of service has been filed and the mailing has not been returned by the U.S. Postal Service indicating that there was any problem with the defendant's address.

Accordingly, this Court finds that there is "good cause" to extend the time in which plaintiff may serve the summons and complaint upon the defendant an additional 90 days, Fed.R.Civ.P. 4(m); see *Romandette v. Weetabix*, 807 F.2d 309, 311 (2d Cir. 1986) (interpreting previous Rule 4(j), the predecessor subdivision to Rule 4(m)); *Armstrong v. Sears*, 33 F.3d 182, 188 (2d Cir. 1994); see generally *Husowitz v. American Postal Workers Union*, 190 F.R.D. 53, 57-58

(E.D.N.Y.1999) (collecting cases). The Clerk of the Court is directed to cause the United States Marshal to re-serve the summons and complaint on the defendant.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read "Richard J. Arcara", is written over a horizontal line.

HONORABLE RICHARD J. ARCARA
DISTRICT COURT

Dated: April 15, 2011